

REMARKS

Claims 1-19 were pending, with claims 14-19 being withdrawn and claims 1-13 rejected. By way of this amendment, claims 14-19 drawn to the non-elected invention have been cancelled. Claims 1-13 in their original form remain pending. Reconsideration of the rejections based on the arguments submitted herein, and allowance of claims 1-13 are respectfully requested.

Election/Restrictions

Claims 14-19 were withdrawn in response to the Applicants' election of claims 1-13 in response to a restriction requirement. By way of this amendment, non-elected claims 14-19 have been cancelled.

Claim Rejections – 35 USC § 102

Claims 1, 2 and 3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,487,465 (Broskow). Applicants respectfully traverse this rejection and submit the following argument. Reconsideration and allowance of claims 1-3, as filed originally, are respectfully requested.

Broskow teaches a container carrier having a first sheet 58 and a second sheet 60 joined together along a bond 62 between the sheets 58, 60 (column 4, lines 31-39). A stamping die 64 punches both sheets 58, 60 simultaneously to form carrier 20a. Separate container engaging portions 22, 24 are formed in sheets 58, 60, respectively. Each of the sheets 58, 60 forms a part of the container engaging portions (22 or 24) and a part of the handle (column 2, lines 39-48 and column 3, lines 60-66).

Accordingly, Broskow '465 fails to meet numerous limitations of claims 1-3 as filed originally, and therefore Broskow does not anticipate the claims. Specifically, at least the following differences are apparent between the teaching of Broskow and the recitations of original claim 1:

1. Claim 1 recites, "providing a handle sheet and a carrier sheet". Broskow teaches two sheets; however, each sheet forms part of the handle and part of the carrier. Accordingly, Broskow does not teach a separately identifiable handle sheet and a separately identifiable carrier sheet.

2. Claim 1 recites, "forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of the line of attachment". Broskow teaches forming container receiving apertures in each of two different sheets on the same side of the line of attachment between the sheets, with handle portions formed in each of the two different sheets on the opposite side of the line of attachment from the container receiving apertures.

3. Claim 1 recites "forming holes in the handle sheet ... in substantially the same configurations" as the container receiving apertures in the carrier sheet. Broskow teaches separate configurations for the holes in the handle and the apertures in the carrier portion.

Claims 2 and 3 depend from claim 1 and include all of the limitations of claim 1, while adding further specificity to the invention recited in claim 1. Since Broskow fails to teach numerous features recited in claim 1, it is respectfully submitted that Broskow does not and cannot anticipate the present invention as recited in claims 1-3, as originally filed. Accordingly, Applicants respectfully request that the rejection of claims 1-3 for anticipation by Broskow be withdrawn.

Further, it is respectfully submitted that the present invention is not obvious from the teaching of Broskow. Broskow contains no suggestion of using separate and different sheets for the handle and for the carrier. Broskow specifically encompasses that form of prior art referred to in paragraph [05] of the present application. That is, a carrier having handle portions and container engaging portions formed in each of two webs positioned one over the other. The resulting handle is a double thickness of material, and a container engaging portion freely depends from each handle portion in each sheet. Accordingly, Broskow is subject to the disadvantages outlined in paragraph [08] of the present application. When carrier loops are provided in two different superimposed sheets, as in the teaching of Broskow, the distance between outermost carrier loops on opposite

sides is determined by the location of welds between the sheets. If the weld location varies, the distance between the loops also varies, and stretchability of the carrier can be affected. When loops and handle portions are provided in the same sheet it is difficult to move the handle portions without distorting the loops. These factors can present problems for using automatic application equipment that attaches the carrier to a group of containers, particularly for large packages.

The present invention provides advantages not obtained from the process disclosed by Broskow. The present invention provides a method of making a container carrier suitable for large packages in which the distance between outermost carrier loops is not determined by a weld line between two sheets. The distance is controlled more easily. Further, the method provides carriers in which manipulation of the handle does not cause detrimental distortion of the container receiving apertures. Accordingly, the method of the present invention provides carriers that facilitate application on containers by the use of automated machinery. The method provides carriers that are evenly balanced, easy to use and inexpensive to manufacture. Since the method forms the handle and the carrier in different sheets, with the handle being created in the handle sheet and the carrier formed in the carrier sheet, each can be provided in materials best suited for each function. Accordingly, the handle and the carrier portions need not be formed of the same material. Broskow teaches a carrier in which first and second sheets each form a part of the handle and a part of the carrier. As a result, the same material is used for the carrier and for the handle. By providing separate sheets for the handle and for the carrier, material best suited for the handle can be used as the handle sheet and material best suited for the carrier can be used for the carrier sheet. For example, a more stretchy material may be used for the carrier sheet so that the container receiving apertures can be stretched to fit snugly around containers. It may be desirable in some situations to use less stretchy material for the handle so that undue stretching does not occur while carrying. This advantage cannot be provided in the carrier of Broskow wherein two separate sheets are used each to form a part of the handle and each to form a part of the carrier.

Applicants, respectfully submit that the invention recited in claims 1-3, as originally filed, is neither anticipated by, nor obvious from the teaching of Broskow, and the claims should be allowed.

Claim Rejections – 35 USC § 103

Claims 4-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Broskow in view of U.S. Patent 6,415,917 (Marco). Applicants respectfully traverse this rejection for the reasons stated below, and respectfully request reconsideration and allowance of claims 4-13.

Each of claims 4-7 depends from claim 1, and therefore includes all of the limitations of claim 1 while adding further specificity to the invention recited therein. Accordingly, Applicants respectfully submit that Broskow fails to teach the invention recited in claims 4 - 7, as originally filed, for the same reasons as stated above with respect to claims 1-3. Specifically, Broskow fails to teach the elements discussed above that are recited in claim 1, from which each of claims 4-7 depends.

Applicants further submit that Marco fails to overcome the deficiencies in the teaching of Broskow. Marco teaches a top lift handle container carrier in which a single plastic substrate 55 is folded on itself and punched to form a carrier with handles. Marco does not teach “providing a handle sheet and a carrier sheet” as recited in claim 1 and therefore included in claims 4-7. Marco does not teach “forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of a line of attachment”, as recited in claim 1 and therefore included in claims 4-7. Marco does not teach “forming holes in the handle sheet ... in substantially the same configurations” as the apertures in the carrier, as recited in claim 1 and therefore included in claims 4-7. Accordingly, claims 4-7, which depend from claim 1 and include all of the limitations of claim 1, are not rendered obvious from the combination of teachings in Broskow and Marco, since numerous elements are neither taught nor suggested by the combination.

Further, with respect to claim 4, neither Broskow nor Marco teaches forming a carrier in a carrier sheet having two spaced lines of attachment to a handle sheet, with one row of container receiving apertures disposed between the spaced lines of attachment and other rows of container receiving apertures disposed outwardly of each line of attachment, as recited in claim 4.

For these reasons, it is respectfully submitted that claims 4-7, as originally filed, should be allowed over the combination of Broskow in view of Marco.

With respect to claims 8-13, it is respectfully submitted that neither Broskow nor Marco teaches a method of making a container carrier that includes "providing a handle sheet and a carrier sheet", as recited in independent claim 8. Marco teaches a single plastic substrate folded on itself, and Broskow teaches first and second sheets each forming a part of the carrier and each forming a part of the handle. Neither Broskow nor Marco teaches a method including the three steps of "forming" as recited in claim 8; whereby a first row of container receiving apertures is formed simultaneously with and in the same shape as holes in the first handle portion; a second row of apertures is formed between first and second lines of attachment, and a third row of container receiving apertures is formed simultaneously with and in the same shape as holes in the second handle portion. Each shows holes in the handle of substantially different configuration than the container receiving apertures. Neither Broskow nor Marco teaches forming first, second and third rows of container receiving apertures all in one sheet outwardly of one line of attachment to a handle sheet, between two spaced lines of attachment to a handle sheet, and outwardly of the second line of attachment, as recited in claim 8. Broskow teaches forming rows of container receiving apertures in two different sheets on the same side of one bond line 62, and a second bond line 56 formed to secure together portions of the handle provided from the two separate sheets.

The present invention provides advantages not obtained from the processes disclosed by Broskow and Marco. The present invention provides a method of making a container carrier suitable for large packages in which the distance between outermost carrier loops is not determined by a weld line between two sheets. The distance is controlled more easily. Further, the method provides carriers in which manipulation of the handle does not cause detrimental distortion of the container receiving apertures. Accordingly, the method of the present invention provides carriers that facilitate application on containers by the use of automated machinery. Since the handle and the carrier are formed from different sheets, with the handle being created in the handle sheet and the carrier formed in the carrier sheet, each can be provided in materials best suited for each function. Accordingly, the handle and the carrier portions need not be formed of the same material. Broskow teaches a carrier in which first and second sheets each form a part of the handle and a

part of the carrier. The same material is used for the carrier and the handle. So also in the teaching of Marco, in which a single sheet is folded to form the carrier with a handle and a sleeve, the same material is then used for both the carrier and for the handle. By providing separate sheets for the handle and for the carrier, material best suited for the handle can be used as the handle sheet and material best suited for the carrier can be used for the carrier sheet. For example, a more stretchy material may be used for the carrier so that the container receiving apertures can be stretched to fit snugly around a container. It may be desirable in some situations to use less stretchy material for the handle so that undue stretching does not occur while carrying. This advantage cannot be provided in the carrier of Broskow wherein two separate sheets are used each to form a part of the handle and each to form a part of the carrier. It is not achieved in a carrier as taught by Marco in which a single sheet is folded to form the various portions of the carrier.

Accordingly, in view of the differences and advantages discussed above, it is respectfully submitted that claim 8, as originally filed, is allowable over the teachings of Marco and Broskow. Reconsideration and allowance are respectfully requested.

Claims 9-13 depend from claim 8 and include all of the limitations thereof while adding further specificity to the invention recited therein. Accordingly, it is respectfully submitted that claims 9-13, as originally filed, also should be allowed.

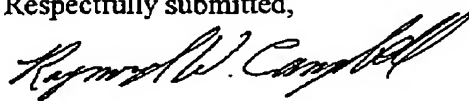
For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C

PATENT

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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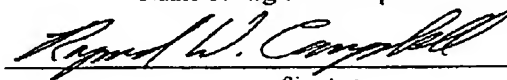
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